

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ERIKA MICHELLE WOODS,

Movant,

-vs-

UNITED STATES OF AMERICA,

Respondent.

No. 2:13-CR-0008-WFN-40

ORDER DENYING § 2255 MOTION

Before the Court is Movant's 28 U.S.C. § 2255 Motion to Vacate, Set Aside or Correct Sentence. (ECF No. 4170). The Motion is submitted by Erika Woods, who is appearing *pro se* in these proceedings. On September 15, 2016, the Court issued an order requesting that Ms. Woods file additional briefing to clarify her § 2255 Motion as well as justify timely filing. Ms. Woods has not filed any additional briefing.

The statute establishes a one year period of limitation for filing a § 2255 motion which runs from the latest of

(1) the date on which the judgment of conviction becomes final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

28 U.S.C. § 2255(f) (West 2013). The Motion is untimely because the Motion was filed more than a year after the day that the judgment became final, none of the other three conditions listed in the statute are applicable, and Ms. Woods has not indicated that

1 (1) facts exist that would extend the one year period of limitation; or (2) extraordinary
2 circumstances exist which require equitable tolling of the period of limitation. Further,
3 Ms. Woods has not clarified her initial filing. The Court has reviewed the file and
4 Movant's Motion and is fully informed. Accordingly,

5 **IT IS ORDERED** that Ms. Woods' Motion to Vacate, Set Aside or Correct
6 Sentence by a Person in Federal Custody Pursuant to 28 U.S.C. § 2255, filed August 30,
7 2016, **ECF No. 4170**, is **DENIED**.

8 The District Court Executive is directed to file this Order and provide a copy to *pro*
9 *se* Movant, **and close this file and the corresponding civil case, 2:16-CV-0309-WFN.**

10 **DATED** this 22nd day of November, 2016.

11
12 s/ Wm. Fremming Nielsen

13 WM. FREMMING NIELSEN

14 SENIOR UNITED STATES DISTRICT JUDGE

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